

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARGARET RATNER KUNSTLER, ET AL.,

Plaintiffs,

22-cv-6913 (JGK)

- against -

ORDER

CENTRAL INTELLIGENCE AGENCY, ET AL.,

Defendants.

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The plaintiffs in this action have served all four of the defendants. See ECF Nos. 15-19. For two of those defendants, the Central Intelligence Agency ("CIA") and Michael R. Pompeo, the deadlines to answer were November 9, 2022, and November 18, 2022, respectively. To date, neither of those defendants has answered or otherwise responded to the complaint. The time for these two defendants to answer is extended to **January 13, 2023**.

On November 29, 2022, the remaining defendants, David Morales Guillen and Undercover Global S.L., filed a submission in response to the complaint with the assistance of Mr. Fernando García Pérez, who signed the submission as counsel for these two defendants. See ECF No. 20 at 14. While the submission states that it was "[s]igned by Fernando García Pérez" "[i]n New York," it appears that Mr. García Pérez is licensed to practice law in Spain, and the Court cannot discern from the docket whether he is licensed to practice in the United States.

Local Rule 1.3 provides that an attorney must be a member of good standing of a state or federal bar within the United States in order to be admitted to practice before this Court. See, e.g., S.D.N.Y. Local Civil Rule 1.3(c) (stating that a member of "the bar of any state or of any United States District Court may be permitted" to appear "pro hac vice"). Accordingly, defendants David Morales Guillen and Undercover Global S.L. should seek to obtain local counsel, who, once retained, should file a notice of appearance and, if necessary, an application for admission pro hac vice, on or before **January 30, 2023**. The Court notes that Mr. Guillen, as an individual defendant, may choose to proceed pro se, but Undercover Global S.L., as a corporate entity, must appear by counsel. The Court also notes that if Mr. García Pérez is licensed to practice law in the United States, then he may file a notice of appearance on behalf of these defendants, and if necessary, an application for admission pro hac vice.

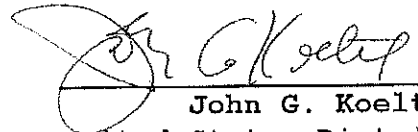
It is also not clear whether the defendants' November 29, 2022 submission was intended to be an answer to the complaint, filed pursuant to Federal Rule of Civil Procedure 7(a), or a motion to dismiss, filed pursuant to Rule 12(b)(6). On the one hand, the submission contains paragraph-by-paragraph denials of the facts alleged in the plaintiffs' complaint, somewhat in the style of an answer. On the other hand, the submission presents

arguments, refers to several exhibits, and asserts that the complaint "must be dismissed." ECF No. 20 at 14.

Thus, Mr. Guillen and Undercover Global S.L. are directed to submit a letter to the Court indicating whether the November 29, 2022 submission was intended to serve as an answer to the complaint or a motion to dismiss. The letter should be submitted after local counsel for these defendants has appeared (or after local counsel for Undercover Global S.L. has appeared, should Mr. Guillen choose to proceed pro se), but in either case no later than **February 10, 2023**.

**SO ORDERED.**

Dated: New York, New York  
December 7, 2022

  
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John G. Koeltl  
United States District Judge